



# UNITED STATES PATENT AND TRADEMARK OFFICE

*cll*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,703	08/10/2001	Junming Le	0975.1005-013	8249

21005 7590 04/10/2006

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

GAMBEL, PHILLIP

ART UNIT	PAPER NUMBER
----------	--------------

1644

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

09/927703

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

1644

04032006

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Applicant's amendment, filed 1/30/06, has been entered.

Claims 4, 7-10, 16 and 19 have been canceled. Claims 1-2, , 5,6, 11-13 have been canceled previously.

Claims 3, 14, 15 and 17 have been amended.

Claims 20-35 have been added.

Claims 3, 14-15, 17-18 and 20-35 are pending.

The amendment filed on 1/30/06 amending all claims drawn to the original presented invention of "treating psoriasis or TNF-mediated psoriasis" and presenting only claims drawn to generic non-elected inventions is non-responsive (MPEP § 821.03). The remaining claims would be subject to a species election of "inflammatory and immune diseases", as the methods of treating numerous inflammatory and immune diseases encompassed by the current claims and disclosed in the specification as filed, differ in ingredients, process steps and therapeutic endpoints and the diseases differ in etiologies.

Since applicant has received an action on the merits for the originally presented invention, which reads on a species that reads on the current generic claims, and since the previous Office Action was in response to a RCE, applicant should be limited to a constructive election by original presentation for prosecution on the merits. However, applicant has amended the claims to delete the original presented invention.

Therefore, applicant should present at least one claim that reads on the original presented invention for prosecution on the merits.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phillip Gambel, Ph.D., J.D.  
Primary Examiner  
Technology Center 1600  
March 3, 2006

*Phillip Gambel*